

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed September 28, 2004 ("*Final Office Action*"). Claims 1-18 were pending in the Application and stand rejected. Applicant amends Claims 1, 2, 4-6, 9, 14, and 18 and cancels Claims 3, 8, 11-13, and 15-17 to place all claims in condition for allowance. Applicant respectfully requests reconsideration and favorable action in this case.

**Allowable Subject Matter**

The Examiner indicates that Claims 15-17 contain subject matter that would be allowable if rewritten in independent form and filed with a Terminal Disclaimer. Applicant thanks the Examiner for the timely and favorable consideration of the claims. To place claims in condition for allowance in accordance with the Examiner's indications, Applicant submits herewith a Terminal Disclaimer. Applicant also amends independent Claim 6 to include the limitations of Claim 8 and Claim 15, 16, or 17. *See* M.P.E.P. § 2173.05(h)(II). Accordingly, independent Claim 6 now reflects limitations that the Examiner has indicated to be allowable. Applicant also cancels Claims 8 and 15-17 and amends Claims 9 and 18 to depend from independent Claim 6. Therefore, Applicant respectfully requests full allowance of Claims 6, 7, 9, 10, and 18.

Claims 11-13 contain subject matter that is analogous to the subject matter in Claims 15-17. Thus, Claims 11-13, which depend from Claim 1, presumably also contain subject matter that would be allowable if rewritten in independent form, amended to overcome the § 101 rejections, and filed with a Terminal Disclaimer. To place claims in condition for allowance, Applicant amends independent Claim 1 to overcome the § 101 rejection and to include the limitations of Claim 3 and Claim 11, 12, or 13. Accordingly, independent Claim 1 now reflects limitations that the Examiner has indicated to be allowable. Applicant also cancels Claims 3 and 11-13, amends dependent Claims 2, 4, 5, and 14 to overcome the § 101 rejection, and amends Claims 4 and 14 to depend from independent Claim 1. Therefore, Applicant respectfully requests full allowance of Claims 1, 2, 4, 5, and 14.

**Claim Rejections – 35 U.S.C. § 101**

The Examiner rejects Claims 1-5 and 11-14 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant amends Claims 1, 2, 4, 5, and 14 and cancels Claims 3 and 11-13. Applicant respectfully submits that these amendments overcome the § 101 rejections. For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the § 101 rejections of Claims 1, 2, 4, 5, and 14.

**Claim Rejections – Double Patenting**

The Examiner provisionally rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending U.S. Application No. 09/658,840. The Examiner also provisionally rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending U.S. Application No. 09/658,239. The Examiner also provisionally rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending U.S. Application No. 09/658,237. The Examiner also provisionally rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending U.S. Application No. 09/658,016. The Examiner also provisionally rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending U.S. Application No. 09/658,238. The Examiner also rejects Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,757,888.

Applicant encloses a Terminal Disclaimer to obviate the nonprovisional obviousness-type double patenting rejection.

**Claim Rejections – 35 U.S.C. § 103**

The Examiner rejects Claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,397,191, which issued to Notani et al. ("*Notani*"). Applicant respectfully submits that the rejection of these claims based on *Notani* is obviated for the reasons discussed above and thus requests withdrawal of this rejection. Although Applicant believes these claims without amendment are allowable over *Notani*, Applicant amends the

claims to expedite issuance of this Application. Applicant reserves the right to prosecute the original claims without amendment in future applications.

**Conclusions**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
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